

Message Text

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65

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 L-03 SS-15 H-02 NSC-05

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R 101752Z EAR 76

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 9717

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E.O. 11652: L/A

TAGS: EAIR, UK

SUBJECT: CIVAIR - UK CAPACITY LIMITATION FOR

U.S. CARRIERS

REF: STATE 54601,

BRO/WN/COLWELL TELECON 3/8/76

1. BELOW IS TEXT OF EMBASSY NOTE DELIVERED MARCH 10 BY
MINISTER FOR ECONOMIC AND COMMERCIAL AFFAIRS TO NORMAN
STATHAM, DEPUTY UNDER SECRETARY, FOREIGN AND COMMON-
WEALTH OFFICE. NOTE PROTESTS UK CAPACITY LIMITATIONS
ON U.S. CARRIERS. MEETING AT FCO REPORTED SEPTEL.

2. COMPLIMENTARY OPENING "... AND HAS THE HONOR TO
REFER TO DEPARTMENT OF TRADE LETTERS DATED MARCH 4 TO
PAN AMERICAN WORLD AIRWAYS AND TO TRANS WORLD AIRLINES.
THESE LETTERS SPECIFY LEVELS OF SERVICE BETWEEN THE
UNITED STATES AND THE UNITED KINGDOM WHICH THE TWO
UNITED STATES AIR CARRIERS MAY PROVIDE DURING THE
SUMMER SEASON OF 1976. THE LETTERS ALSO CONTAIN STATE-
MENTS CONCERNING HOW FUTURE CAPACITY LIMITS MAY BE
ESTABLISHED AND ALLOCATED.

EVER SINCE THE AIR SERVICES AGREEMENT BETWEEN THE
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UNITED STATES AND THE UNITED KINGDOM CAME INTO EFFECT ON FEBRUARY 11, 1947 IT HAS BEEN COMMON GROUND BETWEEN THE TWO GOVERNLMENTS THAT WITHIN THE TERMS OF THE AGREEMENT NEITHER PARTY COULD PREDETERMINE THE FREQUENCY AT WHICH THE AIRLINES OF THE OTHER PARTY SHOULD FLY ON ANY GIVEN ROUTE. INSTEAD, THE AGREEMENT ESTABLISHED AND HAS MAINTAINED A REGIME UNDER WHICH THE AIRLINES OF EACH COUNTRY ARE FREE, AT THE OUTSET, TO DETERMINE FOR THEMSELVES THE LEVELS OF SERVICE OFFERED TO THE PUBLIC ON THE AGREED ROUTES, SUBJECT TO EX POST FACTO REVIEW BY THE TWO GOVERNMENTS IN THE EVENT PROBLEMS ARE EXPERIENCED. THIS MEANING OF THE AGREEMENT WAS MADE EXPLICIT AT THE CONCLUSION OF THE 1947 NEGOTIATIONS IN A JOINT STATEMENT ISSUED BY THE TWO DELEGATIONS. IT IS A FEATURE OF THE AGREEMENT WHICH THE UNITED STATES GOVERNMENT CONSIDERS TO BE OF FUNDAMENTAL IMPORTANCE TO THE AVIATION RELATIONSHIP BETWEEN THE UNITED STATES AND THE UNITED KINGDOM.

IN VIEW OF THE FOREGOING, THE UNITED STATES GOVERNMENT REGARDS THE LETTERS ISSUED BY THE DEPARTMENT OF TRADE AS INAPPROPRIATE AND UNACCEPTABLE. THEY REPRESENT A UNILATERAL ACTION BY THAT DEPARTMENT WHICH VIOLATES THE AIR SERVICES AGREEMENT. CONSEQUENTLY, THE UNITED STATES GOVERNMENT EXPECTS HER MAJESTY'S GOVERNMENT TO WITHDRAW THE LETTERS OF CAPACITY LIMITATION DIRECTED TO UNITED STATES AIRLINES AND TO REFRAIN FROM ANY IMPLEMENTATION OF SUCH LIMITATIONS." COMPLIMENTARY CLOSE.

ARMSTRONG

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NNN

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
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Draft Date: 10 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Margaret P. Grafeld
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